



160 St. Roman Street, New Haven, CT 06511-2000 (203) 865-0587 FAX (203) 865-4997

Connecticut State Medical Society Testimony
Senate Bill 222 An Act Concerning Complaints Pending in the Department of Public Health against
Physicians and Certain other Health Care Providers and Establishing a Mediation Program for
Medical Malpractice Victims
Judiciary Committee
March 24, 2010

Senator MacDonald, representative Lawlor and members of the Judiciary Committee, on behalf of the more than 7,000 members of the Connecticut State Medical Society (CSMS) thank you for the opportunity to present this testimony to you today on Senate Bill 222 An Act Concerning Complaints Pending in the Department of Public Health against Physicians and Certain other Health Care Providers and Establishing a Mediation Program for Medical Malpractice Victims. Section 3 of the legislation before you today represents a collaborative effort between CSMS and the Connecticut Trial Bar and also has been reviewed by the Connecticut Judicial Department. We ask for your support of Section 3 as presented.

Sections 1 and 2 of this legislation attempt to increase access to the Connecticut Department of Health (DPH) complaint process by those who file complaints against licensed healthcare providers. CSMS has long been a supporter of appropriate access and transparency within the healthcare system in Connecticut. We thank members of this committee and in particular Senator MacDonald for past opportunities to work with you on this issue to ensure that appropriate access is granted without corrupting the process or unfairly exposes providers to public scrutiny without appropriate adjudication of such complaint. We welcome the opportunity to continue efforts with you and the Department of Public Health on this issue to further refine these sections.

Section 3 establishes a mandatory mediation program for all civil action brought in cases of alleged negligence by healthcare providers. It requires a "good faith effort" to settle or conclude a civil case, yet does not preclude a trial. In such cases where mediation is to be used it allows for the filing of stipulation by the mediator and all parties of relevant findings.

Regardless of differing opinions regarding the cause of exorbitant medical liability premiums in Connecticut, the costs to the system associated with defensive medicine, or the appropriate solution to the problem of medical liability, no one denies that this is an issue that needs to be addressed and for which there has been increased dialogue at both the state and federal level. Recently, millions of dollars in grants have been announced by the federal government to encourage innovative approaches to reducing the cost of medical liability at the state level and we anticipate further grants to be awarded tied to federal legislation. We are proud that in Connecticut diverse parties have come together in a cooperative approach in an attempt to streamline medical liability cases in order to address questionable cases and often exorbitant costs associated with the court system and keep illegitimate cases off the docket.

Thank you for the opportunity to present this testimony to you today on Senate Bill 222.